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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,421	12/12/2001	Amarjit Tathgur	SHW100002000	5717
22891	7590	05/13/2004	EXAMINER	
DELIO & PETERSON 121 WHITNEY AVENUE NEW HAVEN, CT 06510			LEUNG, PHILIP H	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/015,421	Applicant(s) TATHGUR ET AL.	
	Examiner Philip H Leung	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) 8-13 and 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's confirmation of the election of Group I, claims 1-7, 14 and 15 made on August 26, 2003 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. The newly added claims 16-18 which correspond to the originally claims 11-13 are drawn to invention of Group III. Therefore Claims 8-13 and claims 16-18 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida (JP 3-244527) (cited by the applicants), in view of Shiozaki (US 5,504,308) or Buckley et al (US 5,919,387) (both previously cited).

Yoshida discloses the claimed method for heating a substrate (pipe 1) and a coating (material 4) on the substrate comprising applying on the coating an auxiliary heating means (6), such as a ribbon heater, heating plate heater or the like and heating the substrate and the coating

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with an induction heater (see Figure 1 and the English abstract and a translated portion provided by the applicant). It appears that the auxiliary means 6 such as a ribbon heater, heating plate heater or the like, may be inductively heatable as it does not show a power connection to the auxiliary means although it is not explicitly stated in the translated portion. Anyway, Shiozaki shows that it is well known in the art of inductively heating thermoplastic resin pipes to include susceptors which are induction heat generating layers (2, 22, 23, 24) to provide additional heat in response to the induction heaters E, for heating the desired areas of the pipe (see Figures 1-4 and col. 3, line 32 - col. 4, line 20). Buckley also shows that it is well known in the art of induction heating pipes to use a susceptor (50) to induce heating by the induction heater (see Figures 2-6, and col. 3, line 62 - col. 6, line 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Yoshida to use an induction generating susceptor as the auxiliary heating means so that it can generate heat in response to the induction heater without the use of another heat source for better heating efficiency and lower cost, in view of the teaching of Shiozaki or Buckley. In regard to claims 2-4, Buckley shows that the susceptor is coupled with an insulated coating (see col. 4, lines 1-5). In regard to claim 5, Buckley shows that the susceptor 50 is perforate in Figure 2. In regard to claims 6 and 7, Shiozaki shows the use of both open circuit susceptors (Figures 2 and 3) and closed circuit susceptors (Figure 1). In regard to claims 14 and 15, the use of polypropylene coatings on plastic pipes is well known (see paragraph [002] of the specification).

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5. The arguments filed 2/25/2004 have been considered but they are not persuasive. As set forth above, Yoshida clearly shows every feature as claimed except that it does not explicitly show the auxiliary heater 6 may be an inductively heatable susceptor as it states "auxiliary heating means may be used to assist the heating up on that portion. For example, ribbon heater, heating plate heater or the like which is mounted on the outer surface of the coating material, may be enumerated as the auxiliary heating means". However, an inductively heatable susceptor may also be contemplated as one of "the like" as it does not show an additional power source connected to the auxiliary heater. Clearly, a heating plate may be heatable by its induction heater 5 depending on the material of the plate, which may be electrically conductive and therefore inductively heatable. Most importantly, the argument that "it is not possible to modify Yoshida to use an induction generating susceptor element the auxiliary heating means since this would effectively damage the Yoshida design" is respectfully disagreed. It is seen as a mere substitution for an ordinary artisan to choose an inductively heatable susceptor as the auxiliary heater 6 instead of the ribbon or heating plate in order to heat the auxiliary heating means without the use of another power source, in view of the combined teaching of the references. Such mere substitution would not cause any damage to Yoshida as argued. As set forth above, the use of a susceptor material which includes induction heat generating layers in order to provide additional heat in response to the induction heaters, for heating the desired areas of a pipe well known in the art of heat-treating pipes as shown be Shiozaki or Buckley.

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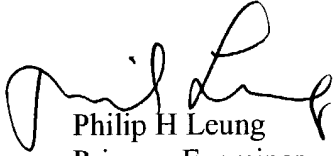
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H Leung whose telephone number is (703) 308-1710.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Pothier can be reached on (703) 308-0265. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Philip H Leung
Primary Examiner
Art Unit 3742

P.Leung/pl
5-10-2004